

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cr-254-MOC-1**

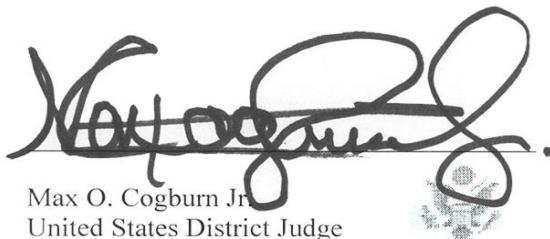
UNITED STATES OF AMERICA)
)
vs.)
)
JAVOTA JETER,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on Defendant's letter, which has been docketed by the Clerk's office as a "Motion for Reconsideration." (Doc. No. 97). In his letter, Defendant states that he is querying the Court as to "why can't I get relief under the new Davis case?" (Doc. No. 97). Defendant is likely referring to the recent Supreme Court decision in United States v. Davis, 139 S. Ct. 2319 (2019), in which the Court held that 18 U.S.C. § 924(c)(3)(B) is void for vagueness. To the extent that Defendant seeks sentencing relief under Davis, the appropriate vehicle to seek relief is through a motion to vacate under 28 U.S.C. § 2255, although it appears that Defendant has already filed one motion to vacate in this Court, and it has been denied on the merits.

IT IS, THEREFORE, ORDERED that Petitioner's "Motion for Reconsideration," (Doc. No. 97), which is in substance merely a letter directed to the Court, is **DENIED** without prejudice for the reasons stated in this Order.

Signed: July 16, 2019



Max O. Cogburn Jr.
United States District Judge